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Toshiaki Kuroda

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

REFAI, RAMSEY

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) filed March 17, 2009. Claims 1, 6, 11, and 16-21 were amended. Claim 3 was canceled. Claims 1-2 and 4-26 remain pending.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 4 and 25-26 are objected to because of the following informalities:

Claim 4 depends on canceled claim 3.

In claims 25-26: *computer program* should be amended to read *computer readable storage medium* as recited the parent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 4-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 6,981,633) in view of "Official Notice".

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5. As per claim 1, Inoue et al teach a point of sale terminal device capable of communicating information with an automatic change dispenser capable of accepting and dispensing cash, comprising:

a manual input unit that is enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser (**see at least column 3, lines 35-40, column 6, lines 4-9, column 7, lines 29-37**);

a deposit calculation unit that receives from the automatic change dispenser the amount of accepted cash, and calculates total amount of deposited cash that has been deposited by a customer by adding the amount of accepted cash and the amount of rejected cash (**see at least column 5, line 53-column 6, line 28**); and

a change calculation unit that calculates an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change (**see at least column 9, line 52-column 10, line 50**).

Inoue et al teach a cashier display and the cashier pressing a key to display the total amount due (**see at least column 9, line 46-column 10, line 10**) but fails to explicitly teach a display unit that displays, in response to a request by a cashier, *an amount of cash accepted by the automatic change dispenser*. However, "Official Notice" is taken that both the concept and advantage of displaying the amount deposited at a money acceptor is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Inoue et al because doing so would allow the cashier to determine the amount already deposited in order to properly settle the transaction using money that has been rejected by the change machine.

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Furthermore, Inoue et al fail to explicitly teach the manual input step occurs *after the display unit has displayed the amount of accepted cash*. However, the input of the amount already accepted would need to be displayed first in order to determine the remaining balance prior to settling the transaction using the money that was rejected.

6. As per claim 2, Inoue et al fail to explicitly teach *a payment instruction unit that instructs the automatic change dispenser to refund a cash corresponding to the deposit information, when there is request for cancellation of transaction after the automatic change dispenser has accepted the cash*. However, "Official Notice" is taken that the concept and advantage of this feature is well known in the art as evidenced by Marion (US Patent No. 6,073,840). Marion teaches that a customer who opts out of the transaction can request a refund from the cash acceptor which then will eject the customer payment (**column 44, line 64-column 45-29**). It would have been obvious to one of ordinary skill in the art to include this feature because doing so would allow for the money accepted by the bill/coin acceptor to be refunded when the customer opts out of the transaction.

The Applicant has not adequately traversed the Official Notice taken in the previous action. " *To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.*" MPEP 2144.03c. **The common knowledge or well-known in the art statement is taken to be admitted prior art because the traverse was inadequate. MPEP 2144.03c**

7. As per claim 4, Inoue et al teach a cashier display and the cashier pressing a key to display the total amount due (**see at least column 9, line 46-column 10, line 10**) but fails to explicitly teach *a key wherein the display unit displays the deposit information when the key is*

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operated. However, "Official Notice" is taken that both the concept and advantage of displaying the amount deposited at a money acceptor is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Inoue et al because doing so would allow the cashier to use a key to determine the amount already deposited in order to properly settle the transaction using money that has been rejected by the change machine.

8. As per claim 5, Inoue et al teach a totaling unit that separately calculates a total of the amounts of the accepted cash that has been accepted by the automatic change dispenser over a predetermined period of time **(time of the transaction)** and a total of the amount of rejected cash that have been manually input through the manual input unit over the predetermined time period **(see at least column 9, line 52-column 10, line 50, column 5, line 53-column 6, line 28)**.

9. As per claims 6-21, these claims contain similar limitations as claims 1-2, 4-5 above, therefore are rejected under the same rationale.

10. As per claim 22, Inoue et al teach wherein the POS terminal device further comprises: a drawer that stores the rejected cash; and an output unit that outputs: a total amount of cash stored in the automatic cash dispenser and a total amount of cash stored in the drawer at the end of the predetermined period of time, the calculated total of the amounts of accepted cash over the predetermined period of time, the calculated total of the amounts of rejected cash over the predetermined period of time, a calculated total of the amounts of change paid back to customers over the predetermined period of time, and a calculated total amount of cash that is

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supposed to be stored in the automatic cash dispenser and the drawer at the end of the predetermined period of time (**see at least column 5, lines 20-52**).

11. As per claims 24-26, these claims contain similar limitations as claim 23 above and therefore are rejected under the same rationale.

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App & Inter. 1987).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
April 11, 2009
/Ramsey Refai/
Examiner, Art Unit 3627